



COUNTY OF LOS ANGELES
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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

A handwritten signature in blue ink, appearing to read "AMB", is written over the text "ADRIENNE M. BYERS".

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Jovany Macias v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: 20STCV21011

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:jkb

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jovany Macias v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 20STCV29396, in the amount of \$175,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Registrar-Recorder/County Clerk's budget.

This lawsuit arises from alleged injuries plaintiff sustained in a motorcycle accident involving a Registrar-Recorder/County Clerk employee.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jovany Macias v. County of Los Angeles, et al.
CASE NUMBER	20STCV29396
COURT	Los Angeles Superior Court
DATE FILED	August 4, 2020
COUNTY DEPARTMENT	Registrar-Recorder/County Clerk
PROPOSED SETTLEMENT AMOUNT	\$ 175,000
ATTORNEY FOR PLAINTIFF	Alexander C. Eisner, Esq. Shawn Steel Law Firm
COUNTY COUNSEL ATTORNEY	Kevin Engelen Deputy County Counsel
NATURE OF CASE	This is a motor vehicle accident lawsuit that occurred on November 5, 2019, when a car operated by an employee of the Registrar-Recorder/County Clerk struck plaintiff who was riding a motorcycle. Plaintiff claims to have suffered personal injuries as a result. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 31,725
PAID COSTS, TO DATE	\$ 14,559



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 5, 2019
Briefly provide a description of the incident/event:	On 11/05/2019 a temporary employee, Election Assistant II, NC from the Election Operations Center (EOC), was driving an Avis rental van while performing Registrar-Recorder/County Clerk duties. The employee was traveling on Interstate 105 (Century Freeway) westbound in the High Occupancy Vehicle Lane (HOV). The employee attempted to change lanes crossing the double yellow lines, while traveling in the HOV, and struck a motorcyclist traveling in the next lane. The California Highway Patrol determined that the employee caused the collision by driving in violation of California Vehicle code section 22107 (Unsafe Turning Movement). There were no administrative actions or trainings recommended for the employee due to temporary status. Furthermore, the employee had already been released from her temporary assignment when the RR/CC became aware of the accident and has not been rehired.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

Root Cause A: The employee performed an unsafe lane change and violated California Vehicle code section 22107 (Unsafe Turning Movement).

Root Cause B: The employee failed to adequately check the passenger side mirror and blind spot for approaching vehicles, prior to performing the lane change.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective Action for Root Cause A:

1. Effective June 1, 2022, provide Safe Driver Training materials as part of New Hire Orientation Packet. A member of the Health and Safety team will provide an overview of Health & Safety topics, including a specific presentation to staff hired for driving positions.
2. Effective June 1, 2022, during the new hire onboarding orientation, staff assigned to driving positions are required to view the Defensive Driver Training Video developed by the Los Angeles County Chief Executive Office – Risk Management Section. Training completion will be recorded by the department training coordinator in the Learning Net.

Corrective Action for Root Cause B:

1. Human Resources/Risk Management Section will develop a ten-week curriculum for driving

techniques and tips for staying safe on the road. The curriculum will include the ten most common causes of vehicle accidents, techniques to avoid vehicle accidents, and how to report an accident. The curriculum will be adjusted to meet the Department's needs.

2. Effective, July 1, 2022, the supervisor/manager will hold weekly briefings (ten to fifteen minutes) huddle sessions for all drivers conducting department business on county time. This opportunity will be used to remind drivers that all rules and regulations must be followed while driving for the department. On a weekly basis, identify and discuss one of the top ten causes of vehicle accidents, provide best practices and tips to reduce the likelihood of this type of accident.

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Esteban Camara

Signature:

Esteban Camara

Date:

6/17/2022

Name: (Department Head)

Dean C. Logan

Signature:

Dean C. Logan

Date:

6/27/2022

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☒ Yes, the corrective actions potentially have County-wide applicability.
☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:

Destiny Castro

Date:

06/28/2022